

Appl. No. 09/976,974
Amdt. Dated November 21, 2005
Reply to Office Action of September 19, 2005

Docket No. AP01950
Customer No. 22917

REMARKS/ARGUMENTS

Claims 1-41 are pending and at issue in this present application. Of these, Claims 1 and 23 are independent. The Office Action of 19 September 2005 rejected Claims 1 and 23 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Claims 1, 7, 13 and 17, 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Mizikovsky (USPN 5,559,860). Claims 1, 2, 4-9, 11-13, 16-20, 23, 24, 26-30, 33-37 and 40 are rejected under 35 U.S.C. 102(e) as being anticipated by Takagi (USPN 6,718,187). Claims 21, 22, 38, 39 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takagi (USPN 6,718,187) in view of Singh (USPN 6,389,278). Claims 3, 15, 25 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takagi (USPN 6,718,187) in view of Stewart (USPN 6,546,257). Claims 10, 14 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takagi (USPN 6,718,187) in view of Sheth (USPN 6,405,106). Applicants respectfully request reconsideration and favorable action in this case in light of the present amendments and remarks herewith.

Applicants traverse the rejection of Claims 1 and 23 under 35 U.S.C. § 112, first paragraph for failing to comply with the written description requirement. Claims 1 and 23 are amended to more clearly recite that the context parameter *represents* a device operating situation. Applicants believe that the term *indicates* means the same thing as *represents*, but have amended the claims to accommodate the Examiner's preference in language.

Claims 1 and 23 are amended to recite, in part, to require setting the service state of the wireless communication device in accordance with [a] context parameter and [a] *plurality* of context data. This is supported in the specification at least on page 6 line 22 and Figure 1. Thus, no new matter has been added.

Applicants respectfully traverse the rejection of Claims 1, 7, 13, 17, and 19-20 as being anticipated by Mizkovsky. Each of the pending claims recites setting the service state of the wireless communication device in accordance with [a] context parameter and [a] *plurality* of context data. Mizkovsky does not disclose such a limitation and thus cannot anticipate the pending claims.